

REMARKS/ARGUMENTS

The applicant has amended the claims to make express in the claim what was implicit in the claim as previously worded. The applicant submits the claims are now in condition for allowance. All rejections are considered obviated, and prompt, favorable action is solicited. The drawings are also amended to satisfy the Office Action requirements.

In the Office Action dated September 24, 2003, (1) the drawings were objected to as needing to label figures 1-3 to be prior art, and “the Luer axis closer to one of the anchoring protrusions than the other must be shown or the feature(s) canceled from the claims,” (2) claims 1-3, 6-10, 12-23, and 26-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Brightbill, (3) claims 1-6, 9, and 19-26 were rejected under 35 U.S.C. 102(b) as being anticipated by Nordstrom, and (4) claim 11 was rejected under 35 U.S.C. 103(a) as unpatentable over Thompson in view of Brightbill. No claims were allowed.

The drawings are proposed to be amended, to obviate objections. Approval is requested.

The applicant intended and it was implicit in the claims as previously worded that the “female leur axis” that was described as “extending away from the plane containing the anchoring protrusions” was the “coaxial” axis of the female leur, the one extending through the female leur. This is the “x” axis in the applicant’s view of the situation. As the applicant reads the rejections, the applicant’s language was subject to ambiguity and might have included the “y” axis of the female leur. The matter having been made explicit, the claims now positively distinguish over the subject matter of Brightbill. Brightbill does not include the subject relationship of axes, among other missing limitations.

The applicant intended and it was implicit in the claims as previously worded that the subject luer connector was in and was a part of a bodily fluid drainage assembly having a catheter and a drip assembly line. As the applicant reads the Office Action, the applicant's language was subject to ambiguity and might not have included the connector in the drainage assembly with the catheter and the drip assembly line. The matter having been made explicit, the claims now positively distinguish over the subject matter of Nordstrom. Nordstrom does not have the subject bodily fluid drainage assembly, a hollow catheter connection protrusion sized to fit within the catheter, or a female as opposed to male luer connector, among other missing limitations.

It would not have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson's structure in view of Brightbill's structure to arrive at the now-explicitly-claimed subject matter. The combination would have not resulted in the subject bodily fluid drainage assembly, a hollow catheter connection protrusion sized to fit within the catheter, or a female as opposed to male luer connector, among other missing limitations.

Conclusion

The Applicants respectfully request prompt and favorable action. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Application No.: 09/070,269
Amendment dated December 23, 2003
Response to Office Action dated September 24, 2003

Respectfully submitted,
BANNER & WITCOFF, LTD

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By:


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